

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

COMMON CAUSE INDIANA;)	
INDIANA STATE CONFERENCE OF THE)	
NAACP,)	
Plaintiffs,)	
)	
v.)	Case No.: 1:20-cv-02007-SEB-TAB
)	
CONNIE LAWSON, in her official capacity)	
as the Indiana Secretary of State, PAUL)	
OKESON, S. ANTHONY LONG,)	
SUZANNAH WILSON OVERHOLT, and)	
ZACHARY E. KLUTZ, in their official)	
capacities as members of the)	
Indiana Election Commission,)	
)	
Defendants.)	

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants, by counsel, respectfully submit this notice of supplemental from the Eleventh Circuit in *The New Georgia Project et al. v. Raffensperger, et al.*, No. 20-13360 (11th Cir. October 2, 2020). There, a district court issued a preliminary injunction requiring Georgia officials to count all ballots postmarked and received within three days of Election Day, rather than only those received by 7:00 p.m. on Election Day, as prescribed by O.C.G.A. §21-2-386(a)(1)(F) and §21-2-403.

On October 2, 2020, shortly after Defendants in this case filed their motion to stay this Court's preliminary injunction, the Eleventh Circuit granted the State Defendants' Motion for Stay. Exhibit A. It concluded that Georgia's absentee ballot deadline, in light of the State's compelling interest in conducting elections, imposes only reasonable burdens on voting and passes the *Anderson/Burdick* test. Ex. A at

2-4. The court also observed that federal courts should not mandate new election rules at the last minute, especially where ballots have already been printed and mailed out to voters, such that a stay was in the public interest to avoid voter confusion in the middle of the election. Ex. A at 9-10.

The Indiana ballot receipt deadline at issue in this case is materially indistinguishable from the Georgia statute at issue in *The New Georgia Project*, and the Eleventh Circuit's stay order directly supports state defendants' arguments in support of a state in this case.

Respectfully submitted,

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Date: October 5, 2020

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